

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LACEE OLIVAREZ,
Plaintiff.

v.

LAWRENCE EHM, et al.,
Defendants.

Case No. [13-cv-01918-CRB](#) (JCS)

**NOTICE OF REFERENCE AND
ORDER RE DISCOVERY
PROCEDURES**

Re: Dkt. No. 70

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to the undersigned for all discovery matters. Please be advised that if a specific motion was filed before the District Court **prior to this referral**, the noticed date may no longer be in effect. All hearing dates are subject to the availability of the Court's calendar. Please contact the Courtroom Deputy, Karen Hom, at (415) 522-2035, to confirm or, if necessary, reschedule the hearing date. **Regardless of whether the Court reschedules the hearing date, all opposition and reply papers shall be timely filed according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.**

LAW AND MOTION PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom G, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

In the event a **discovery dispute** arises, IT IS HEREBY ORDERED that before filing any discovery motion before this Court, the parties must comply with the following:

1. Lead trial counsel for both parties must meet and confer *in person* regarding the matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute, such as telephone, e-mail, teleconference, or correspondence, have been

1 unsuccessful. Once those efforts have proved unsuccessful, any party may demand
2 a meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall
3 occur within ten (10) calendar days of the demand. The locations of the meetings
4 shall alternate. The first meeting shall be at a location selected by counsel for
5 Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a
6 location to be determined by counsel for Defendant(s), etc.

7 2. Within five (5) calendar days of the in-person meeting between lead trial counsel
8 referred to above, the parties shall jointly file a detailed letter with the Court, not to
9 exceed five (5) pages without leave of Court, which will include the matters that
10 remain in dispute, a detailed substantive description of each side's position on each
11 such issue, and a description of each side's proposed compromise on each such
12 issue.

13 3. After the Court has received the joint letter, the Court will determine what future
14 proceedings, if any, are necessary.

15 In the event that the parties continue to be unable to resolve the matters regarding the
16 timing and scope of discovery, the Court will consider what future actions are necessary. These
17 actions may include the following: (1) sanctions against a party failing to cooperate in the
18 discovery process and meet and confer in good faith, as required by this Order, the Federal Rules
19 of Civil Procedure, and the Local Rules of this Court; and/or (2) requiring the Chief Executive
20 Officers of each party to attend the in-person, meet-and-confer sessions described above. The
21 Court is not entering either of these matters as an Order of the Court at this time, and fully expects
22 counsel to meet their obligations under this Order and under the Local Rules.

23 A party or counsel has a continuing duty to supplement the initial disclosure when required
24 under Fed. R. Civ. P. 26(e)(1).

25 Law and motion matters may be submitted without argument upon stipulation of the
26 parties and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to
27 Civil L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7)
28 days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

ELECTRONIC FILING AND COURTESY COPIES

Please refer to Civil L.R. 5-4 and General Order No. 45 for the Northern District of California for information relating to electronic filing procedures and requirements.

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ON **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to the undersigned shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

Dated: September 4, 2014


JOSEPH C. SPERO
United States Magistrate Judge

United States District Court
Northern District of California